

Clarke County

**PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 5, 2013**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, April 5, 2013.

ATTENDANCE

George Ohrstrom, II, Chair; Clay Brumback, Robina Bouffault, Scott Kreider, Douglas Kruhm, Tom McFillen, Cliff Nelson, Chip Steinmetz, and Jon Turkel.

ABSENT

Anne Caldwell, Vice Chair; John Staelin

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:02 a.m.

Chair Ohrstrom introduced Douglas Kruhm to the Planning Commission. He stated that Mr. Kruhm is replacing former Commissioner Richard Thuss. Chair Ohrstrom and the Commission welcomed Mr. Kruhm as the new Commissioner from the Buckmarsh Electoral District.

APPROVAL OF AGENDA

The Commission voted to approve the agenda.

Yes: Bouffault (seconded), Brumback, Kreider, Kruhm, McFillen, Nelson (moved), Ohrstrom, Steinmetz and Turkel

No: No one

Absent: Caldwell and Staelin

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of January 29, 2013.

Yes: Bouffault (moved), Brumback, Kreider, McFillen (seconded), Nelson, Ohrstrom, and Turkel

No: No one

Absent: Caldwell and Staelin

Abstain: Kruhm and Steinmetz

The Commission voted to approve the regular meeting minutes of February 1, 2013.

Yes: Bouffault, Brumback, Kreider, McFillen (moved), Nelson (seconded), Ohrstrom, and Steinmetz

No: No one

Absent: Caldwell and Staelin

Abstain: Kruhm and Turkel

The Commission voted to approve the regular meeting minutes of February 26, 2013.

Yes: Bouffault (seconded), Kreider, McFillen (moved), Ohrstrom, and Turkel

No: No one

Absent: Caldwell and Staelin

Abstain: Brumback, Kruhm, Nelson and Steinmetz

Chair Ohrstrom read a Resolution of Appreciation for former Commissioner Richard Thuss for appreciation of his service to the Planning Commission. The Commission voted to approve the Resolution.

Yes: Bouffault (moved), Brumback, Kreider, Kruhm, McFillen, Nelson Ohrstrom, Steinmetz (seconded) and Turkel

No: No one

Absent: Caldwell and Staelin

2013 Committee Assignments

- a. Subdivision Committee -- replacement for Richard Thuss
- b. Historic Preservation Commission --replacement for Cliff Nelson

Chair Ohrstrom stated that Commissioner Kreider will be on the Subdivision Committee replacing former Commissioner Thuss. Chair Ohrstrom stated that a recommendation will be made to the Board of Supervisors for Commissioner Kruhm to replace Commissioner Nelson on the Historic Preservation Commission.

Minor/Major Subdivisions

MS-13-01, John & Mary Rutherford (minor subdivision review)

Mr. Russell explained this request. He stated that the subject property contains 2 exemptions. He said that one of the exemptions is a small tenant house next to the primary house exemption. He stated that the small house exemption must discontinue its use as a dwelling so as to provide a DUR to the proposed lot 3D. He said that the applicant had placed a note on the subdivision plat that states on sheet 3 of 4, the "residence to be converted to workshop". He stated that the subject residence is shown on the plat with the notation and arrow designating which residence is to be converted to the workshop. He stated that the Zoning Administrator shall not sign off on a certificate of occupancy for the proposed lot until an inspection is conducted of the tenant house and confirmed that the applicant has complied with all aspects of the Zoning Ordinance.

Mr. Russell stated that a private access easement is being proposed through the parent tract to serve proposed lot 3D (3.99 acres). He said that VDOT has reviewed the proposed entrance in regard to sight distance and has approved such. He said that the Health Department has reviewed the proposed primary and reserve drainfield sites, and proposed well site. He stated that the Health Department has found that the subdivision request meets all requirements of the County and State regulations. Mr. Russell stated that a resistivity test has been conducted for the proposed drainfield.

Mr. Russell stated that the applicant meets the criteria for a maximum lot size exception. He said that the lot is located in the wooded area of the farm in the northeast corner. He said that the proposed lot area contains numerous rock outcrops. He stated that the proposed house site is being shown in the one area that does not contain rock outcropping or in a low drainage area. He said that Chair Ohrstrom and Commissioner Nelson representing the Russell Electoral District visited the site and recommends that the Planning Commission approve the maximum lot size exception as requested and shown on the subdivision plat.

Mr. Russell recommended to the Commission that there be two separate motions for this request, one for the minor subdivision and the other one for the maximum lot size exception. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve the minor subdivision on this request.

Yes: Bouffault, Brumback, Kreider (seconded), Kruhm, McFillen, Nelson (moved), Ohrstrom, Steinmetz and Turkel

No: No one

Absent: Caldwell and Staelin

The Commission voted unanimously to approve the maximum lot size exception on this request.

Yes: Bouffault, Brumback, Kreider, Kruhm, McFillen (seconded), Nelson (moved), Ohrstrom, Steinmetz and Turkel

No: No one

Absent: Caldwell and Staelin

Public Hearing Items

None

Board/Committee Reports

Board of Supervisors (John Staelin)

Mr. Stidham stated that the text amendment regarding Certificates of Appropriateness and the rezoning request for Mahlon Jones was approved at the BOS meeting on March 19, 2013.

Sanitary Authority (John Staelin)

No report.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission

No report.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated they are hoping to close on a couple of easements this month.

Other Business

Ms. Teetor gave a brief discussion regarding a manure escape at White Post Dairy due to a failure with a separator unit. She said that about 10,000 gallons of manure escaped and several adjoining property owners have had their wells tested. She stated that there are concerns with DEQ for not being as aggressive as they had hoped with this issue. She said that a groundwater specialist is coming here on Monday for a meeting and hopefully we will have some answers as to where we are at now with this issue.

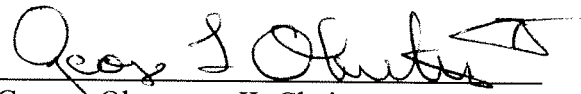
Discussion, Planning Commission By-Laws

Mr. Stidham stated that this is clean-up of the 1987 by-laws which were outdated. Commissioner Bouffault stated that a lawyer once told her that we should have decorum added to the by-laws. After discussion with the Commission, Mr. Stidham stated that he would adapt the School Board's decorum rules for the Planning Commission and provide an updated draft next month.

Discussion, Regulating Berms (Earthen Embankments)

Mr. Russell spoke briefly about the appeal to the Board of Zoning Appeals from Peter and Melissa Dunning regarding a berm at the quarry. Commissioner Bouffault stated that several County residents have spoken to her about this incident and they feel as though their neighbor got unfairly treated. She said she feels that berm regulations should be a part of the Zoning Ordinance. Mr. Stidham said he would do research on this item and the Commission could discuss this at the next Planning Commission meeting.

There being no further discussion, the regular meeting was adjourned at 9:58 a.m. to a workshop for the Comprehensive Plan. At this workshop, the Commission completed their review of Chapter III. Mr. Stidham stated that he would compile the Initial Draft for Public Review for the Commission to consider at the May meeting. The next regular meeting of the Commission is scheduled for May 3, 2013.



George Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary